UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,860	07/21/2003	Claribel Chan	14066-011001 / 2002P00234	6527

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FISH & RICHARDSON, P.C.	EXAMINER
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ART UNIT	PAPER NUMBER
2129	

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03/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action **_Before the Filing of an Appeal Brief_**	10/624,860	CHAN ET AL.
	Examiner	**Art Unit**	
	Peter Coughlan	2129	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>21 February 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: The claims do not recite a practical application for the invention. Please see the interim guidelines for examination of patent applications for patent subject matter eligibility published November 22, 2005 in the official gazette. Designing and maintaining software for a 'business solution' is not a practical application. Explaining how employing the 'business solution' in a practical application (which is not stated in the art references) would overcome the 35 U.S.C. §101 rejection.
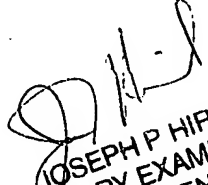
Claim 1.
Applicant states numerous times that Bowman is not equivalent to a 'business solution.' Bowman discloses in Fig. 36 a relationship between business components and partitioned business components. In Fig 37 Bowman discloses how a billing business component may create an invoice. The Examiner fails to see how the creation of an invoice is not part of the domain of a 'business solution.' Applicant claims that Bowman does not teach user-selected predefined business objects and predefined technology objects. In Bowman, C47:33-43, discloses predefined reports. A type of report can be seen as a class. The items within the report can be seen as objects. 'Components' of Bowman consists parts of the framework. The framework is a collection of classes with objects being instantiated. Applicant states that specification does not state that the process provide a product roadmap. Bowman offers a 'product roadmap as an option and not a requirement. The Examiner made a typographical mistake, a portion of claim 1 should read 'processes' of applicant is equivalent to 'logical framework' of Bowman. Applicant claims since Bowman does not teach business components ... as such, the business components or design artifacts disclosed by Bowman are not equivalent to a business process object, is false. Since the applicant's premise is false due to the fact the generation of an invoice is a business component.

Claim 25.
'System software' of Bowman is equivalent to 'software is operable to allow user to design a business solution with user parameters and user-selectable, pre-defined business process objects and predefined technology objects' (See claim 1 rejection) Applicant claims that Bowman does not teach a database management system is operable to allow a user to maintain and modify a business solution. Bowman teaches 'Configuration management' ... 'users can access and modify the same sources ...' (Bowman, C176:29-39) Thus Bowman teaches a 'first and second software applications.' Applicant claims the 'solution management application can either be a representation of a business process object or a technology object.' This is not claimed. In another viewpoint C119:5-10 of Bowman, is disclosed the integration between the hardware (technology object) and software (business process) and management system (configuration management).

Claim 29.
Applicant states that Bowman does allow the 'practitioner will select' is different than 'prompting a user to select.' The Examiner reminds the applicant that the user is outside the control of the invention and thus 'practitioner will select' is equivalent to 'prompting a user to select.' Since 'business objects' or 'technology objects' are not clearly defined and be multiple items, 'selecting at least one business object and one technology' in claim 29 is equivalent to 'objects and classes of Bowman. Applicant's argument 'Bowman does not disclose 'classes' that are equivalent to 'technology objects' is moot. Applicant uses Bowman 'A class of objects can be viewed as a blueprint, from which many objects can be formed.' 'Class of objects' is not clamed nor stated by the examiner nor the applicant.

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